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Thomas Lopardo

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Albert Colannino

Recording Secretary
Holli Stott

JOHNSTON ZONING BOARD OF REVIEW
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MINUTES

June 28, 2012

The Zoning Board of Review held its monthly meeting on the 28th day of June 2012 at 7:00 p.m., at the Johnston Senior Center, 1291 Hartford Avenue, Johnston, RI. All persons interested in the following proposals had been requested to be present at this time.

Present: Bernard Frezza, Chairman, Anthony Piloizzi, Vice-Chairman, Joseph Anzelone, Richard Fascia, Albert Colannino, Thomas Lopardo and Dennis Cardillo. Also present: Holli Stott, Recording Secretary, Bernard Nascenzi, Zoning Official, Joseph Ballirano, Esq. and Dianne Edson, Stenographer.

Mr. Piloizzi made the motion to approve the minutes of the May 31, 2012 meeting. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

A. File 2012-31

LOCATION: Green Earth Way
OWNER: Cox Communications and Rhode Island Resource Recovery
APPLICANT: SMM New England Corporation
LOT: AP 31 — Lot 42 and 61; 43,563.58 sq. ft. lot 42; 534,045.60 sq. ft. lot 61;
I-Zone
EXISTING USE: Mostly vacant with one radio tower and two ancillary buildings
PROPOSAL: A metal processing facility

Dimensional Variance petitioned under Article XII, § 340-74 Application and criteria for variances, Subsection B, § 340-75 Special Use Permits Subsection B and Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— BUILDING HEIGHT (SHREDDER AND INFEED)	40'	56'	16'

	— BUILDING HEIGHT (AIR SYSTEM CYCLONE)	40'	65'	25'
	— REAR YARD	50'	11.73'	38.27'
	— LEFT SIDE YARD	50'	32.82'	17.18'
	— RIGHT SIDE YARD	50'	11.49'	38.51'
	— BUILDING HEIGHT (NATIONAL GRID INFRA. LIGHTENING ARRESTORS)	40'	60'	20'
	— REAR YARD (NATIONAL GRID INFRA.)	50'	19.89'	30.11'

Mr. Joshua Celeste, attorney with the law firm Duffy and Sweeney, whom represents Sims Metal Management, is sworn in and he explains to the board what they will be doing at this site. Their proposal is to construct a material processing facility in connection with Sims material processing operations. He explains further which side of the parcel will need dimensional relief and which side of the parcel will need a special use permit. Mr. Celeste also explained to the board what the hours of operation will be and that it will be in compliance with the current ordinance. Mr. Payson Whitney, environmental consultant on the project is sworn in and he explains to the board what environmental precautions they have in place as far as RIDEM permits and approvals. Mr. Whitney also explained to the board that the facility will have sound remediation walls and noise remediation around the actual operating equipment. Mr. Albert Hamel, project engineer for Sims Metal, is sworn in and he explains his background as a mechanical engineer to the board. Mr. Hamel also explained to the board about noise filtration and the water system as well as traffic flow in and out of the facility. Mr. Hamel also stated that he has been in close contact with the fire department regulations and that they have set forth a fire protection plan.

No one for or against

Mr. Piloizzi made a motion to approve. Mr. Lopardo seconded the motion. A voice vote was taken; all in favor.

B. File 2012-23

LOCATION: 45 South Bennett Street
 OWNER/APPLICANT: Robert and Louise Lafazia
 LOT: AP 7 — Lot 61; 101,566 sq. ft.; R-20 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Subdivide parcel into two residential lots

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

		MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
	DIMENSION			

SETBACKS:	— FRONTAGE	120'	25'	95'
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Al Russo was sworn in and he is representing the owners/applicants of the property he explained to the board that Mr. and Mrs. Lafazia would like to sub divide the lot and build a new single family dwelling for their son. Mr. Russo then went on to state that they are looking for relief on the frontage on a public way for both lots. Mr. Veltri, surveyor on the project, was sworn in and he explained where the current house is and where the proposed house will be going, as well as the easement for the driveway for the new proposed home.

No one for or against

Mr. Pilozzi made a motion to approve the existing structure request. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

C. File 2012-22

LOCATION: 45 South Bennett Street
 OWNER: Robert and Louise Lafazia
 APPLICANT: Derek Lafazia
 LOT: AP 7 — Lot 61; 27,424 sq. ft.; R-20 Zone
 EXISTING USE: Vacant Lot
 PROPOSAL: Single Family Dwelling

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— FRONTAGE	120'	25'	95'
	— BUILDING HEIGHT	30'	32.8'	2.8'

No one for or against

Mr. Pilozzi made a motion to approve the single family dwelling subject to recording of the easement. Mr. Fascia seconded the motion. A voice vote was taken; all in favor.

D. File 2012-30

LOCATION: 873 Central Avenue
 OWNER: Town of Johnston
 APPLICANT: Local 57 Apprenticeships
 LOT: AP 43 — Lot 13; 34,757 sq. ft.; R-40 Zone
 EXISTING USE: Training Facility
 PROPOSAL: 30' x 60' addition to building

7/30/2012

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	40,000'	34,757'	5,243'
	— LOT COVERAGE	15%	16.7%	1.7%
	— FRONT YARD	40'	25.1'	14.9'
	— REAR YARD	75'	16.5'	58.5
	— LEFT SIDE YARD	35'	16.5'	18.5'
	— RIGHT SIDE YARD	35'	25.1'	9.9'

Mr. Christopher Tremel, called as a witness, was sworn in and he explained to the board that they have been in good partnership with the town of Johnston and they would like to consolidate both their offices one is in Providence and one in Johnston at the current time and it would just be easier to have both offices at one location. Mr. Tremel also went over the hours of operation that is in compliance with the town ordinance.

No one for or against

Mr. Piloizzi made a motion to approve, Mr. Lopardo seconded the motion. A voice vote was taken; all in favor.

E. File 2012-29

LOCATION: 8 Elmdale Avenue
 OWNER/ APPLICANT: Thomas G. Casale
 LOT: AP 57 — Lot 122; 28,217 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Storage and/or parking of trucks, backhoes and similar vehicles.

Use Variance petitioned under Article III, § 340-8 Table of Use Regulations subsection 9.13

Mr. Al Russo, attorney for the project is sworn in and he explains to the board what the applicant is looking to do at this location. Mr. Casale, owner of the property hands pictures over to the board showing where the vehicles are going to be parked.

Mr. Piloizzi make a motion to accept these pictures as exhibit A, Mr. Frezza seconded the motion. A voice vote was taken; all in favor

Mr. Russo then explains every picture to the board. The owner would like to use the rear of 8 Elmdale Avenue for parking for the auto body no change in lot lines or anything else. Mr. Casale is duly sworn in to talk to the board about his proposal. Mr. Fascia questions as to why he started construction on his

property without any type of approval from any office in this town. Mr. Casale explained to the board that he now has a building permit and an excavation permit on that property. Mr. Nascenzi explains to

the board that his current building permit was for stabilizing the back yard for the addition and not to expand into the other lot. Mr. Casale then continued with what he was presenting to the board. He just wants to park vehicles on this property in question, not for storage, just extra space.

Mr. Christopher Celeste, abutting neighbor at 10 Elmdale Avenue, was sworn in and he explains to the board that Mr. Casale is parking excavators and loaders on this property, not cars. Mr. Casale explained to Mr. Celeste that the cars will be parked in the residential zone and the heavy equipment will be parked in the B-2 zone.

Ms. Becky Celeste, abutting neighbor at 10 Elmdale Avenue, was sworn in and she stated her concerns to the board about Mr. Casale turning this residential area into an industrial area. She doesn't want to smell or hear any diesel equipment right in her back yard.

Mr. Mark Turenne, abutting neighbor at 12 Elmdale Avenue, was sworn in and he reinforced what Ms. Celeste had already stated. He also explained that this neighborhood is heavily populated with a lot of children.

Mrs. Joanne Deleo, neighbor at 42 Elmdale Avenue, asked Mr. Casale if he had any intentions on buying Mr. Ursillo's property considering the back of the property is an empty lot. Mr. Pilozzi reinforced to the abutter that that will absolutely not happen. Mr. Casale will be parking cars in the residential zone and all heavy equipment will be parked on the B-2 zone.

Mrs. Beth Rondeau, abutting neighbor at 9 Elmdale Avenue, was sworn in and she just reiterates that she does not want any parking of commercial vehicles on residential property. Mr. Pilozzi questioned Mr. Casale about where exactly the heavy equipment is now and where it will be once construction is completed.

Ms. Pamela Sherrill, Town Planner, was sworn in and she gave the board a few comments. First, her memo that he had written to the board concerning this application is not consistent with the comprehensive plan. Ms. Sherrill and Mr. Nascenzi are concerned that both lots will be combined later on down the road and that the easement was never implemented.

Ms. Stephanie Manzi, of 37 Hopkins Avenue and councilwoman for district five, was sworn in and she explained that she is very concerned with business expanding into a residential area. She also stated that she will be sending Mr. Peter DelPonte out to the area to make sure everything is going as planned.

Ms. Kimberly Gaulin, abutting neighbor at 33 Elmdale Avenue, was sworn in and she let the board know that she agrees with everything that every abutter said on this project.

Mr. Russo added a few stipulations. First all commercial vehicles will be parked in the B-2 zone and all non commercial vehicles will be parked in the residential zone. Second, they will add new trees along the line of the Elmdale exit so that you can not see the commercial trucks while exiting the neighborhood.

Mr. Pilozzi made a motion to approve. Mr. Lopardo seconded the motion. Mr. Fascia denied. A voice vote was taken; all in favor.

F. File 2012-28

LOCATION: 172 Simmonsville Avenue
 OWNER/ APPLICANT: Anthony C. Ricci, Jr.
 LOT: AP 28 — Lot 106; 25,704 sq. ft.; R-20 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Enclose patio that connects to the two car garage

Dimensional Variance petitioned under Article XI, § 340-71 Extension or enlargement of nonconforming use and Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— FRONTAGE	120'	84'	36'
	— WIDTH	120'	84'	36'
	— LEFT SIDE	25'	8'	17'

Mr. Russo, attorney for the applicants, explains to the board that the owner of the property would like to extend a roof line to cover the patio to provide shade.

No one for or against

Mr. Pilozzi made a motion to approve, Mr. Fascia seconded the motion. A voice vote was taken; all in favor

G. File 2012-24

LOCATION: Ostend Street
 OWNER/APPLICANT: Imperial Investments, Inc.
 LOT: AP 15 — Lot 29; 12,780 sq. ft.; R-15 Zone
 EXISTING USE: Vacant Lot
 PROPOSAL: Single Family Dwelling

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	15,000'	12,780'	2,220'
	— FRONTAGE	100'	90'	10'

Mr. Marc Gertsacov, attorney for the applicant, explains to the board they are seeking dimensional relief for a lot that is a substandard lot size. Mr. Gertsacov then handed to the board ariel maps of the area.

Mr. Cardillo made a motion to accept as exhibit A, Mr. Fascia seconded the motion. A voice vote was taken; all in favor

Mr. Nascenzi stated that this lot was originally done under the buildable lot determination and repealed and since then there has been a lot of problems with water on that street.

Ms. Norma Palmieri, abutting neighbor, explained to the board that when she tried to purchase this piece of land back in the 1980's her family was told that it was a sanctuary. Mr. Nascenzi elaborated that per a conversation with the town engineer there is wet lands in this area. Mr. Pillozzi explained to the attorney that the DEM permits have expired and he would need to go back to DEM.

Ms. Cindy Sousa, abutting neighbor at 14 Ostend Street, stated to the board that there seems to be a rodent problem. They are coming out of the woods and running across the street. Ms. Sousa was very concerned about the water issues as well. Mr. Nascenzi explained that he has never received a call from any of the neighbors about rats or rodents.

Ms. Rose Marcaccio, abutting neighbor at 13 Ostend Street, stated that she also saw rats and rodents in her neighbor's yard as well as her own.

Mr. Gertsacov pleaded to the board that if they were granted zoning board approval, the applicant will be within all DEM guidelines.

Mr. Pillozzi made a motion to deny, Mr. Lopardo seconded the motion. A voice vote was taken; all in favor

H. File 2012-34

LOCATION: 3 Tall Oaks Court
 OWNER/ APPLICANT: Joann E Krzyzek
 LOT: AP 49 — Lot 185; 8,174 sq. ft.; R-40 Zone
 EXISTING USE: Single Family Dwelling
 PROPOSAL: Construct a roof over existing patio

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— LOT SIZE	40,000'	8174'	31,826'
	— FRONTAGE	140'	70'	70'
	— WIDTH	140'	70'	70'
	— COVERAGE	15%	29%	14%
	— REAR YARD	75'	21'	54'
	— RIGHT SIDE YARD	35'	10'	25'

Mrs. Joanne Krzyzek, applicant for the project was sworn in and she explained to the board that she would like to place a 12 x 18 roof over her existing patio to the right side of the house in the rear. There will be no walls just a roof to provide shade. The roof will be attached to the house.

No one for or against

Mr. Pilozzi made a motion to approve, Mr. Fascia seconded the motion. A voice vote was taken; all in favor

I. File 2012-18

LOCATION: 678 Killingly Street
OWNER: Rebecca Quattrocchio
APPLICANT: Resurrection Power Outreach Ministries International
LOT: AP 16 — Lot 632; 43,200 sq. ft.; B-2 Zone
EXISTING USE: Vacant commercial unit
PROPOSAL: Church
Special Use Permit petitioned under Article XII § 340-75 Special Use Permit

Mr. Edward Tisdell, applicant for the project, was sworn in and explains to the board that he would like to open a Power Outreach Ministry at this location. He continued on stating that they have one ministry located in providence and they would like to open one in Johnston. Mrs. Tisdell, co-applicant, was sworn in and she explained to the board that they will be having services on Tuesday nights from 7 pm to 9 pm and Sundays from 10:30 am to 1 pm. Mr. Pilozzi stated that he was very concerned with the parking plan once the new restaurant comes into that plaza. Mr. Pilozzi and Mr. Ballirano suggested to the applicants if they can get a letter from the landlord stating that they are guaranteed 12 parking spots at all times and for them to return on July 17th showing the board proof of that letter and also something from the fire department stating that this particular unit is up to all fire codes.

No one for or against

Mr. Pilozzi made a motion to approve with a cap on it only 21 people which will give them 7 parking places. The applicant realizes if they go over the amount of parishioners then they would have to look for a bigger place to conduct services. Mr. Fascia seconded the motion. A voice vote was taken; all in favor

Mr. Ballirano makes the board aware that the time is now past 10:30 and one of the board members needs to make a motion to suspend the rules to conduct new business after 10:30 pm.

Mr. Pilozzi made a motion to suspend the rules, Mr. Cardillo seconded the motion. A voice vote was taken; all in favor

J. File 2012-33

LOCATION: 17 Water Street
OWNER/ APPLICANT: Jeffrey A. Cadieux
LOT: AP 5 — Lot 320; 20,440 sq. ft.; R-20 Zone
EXISTING USE: Single Family Dwelling

7/30/2012

PROPOSAL: 2nd floor addition over existing garage attached to house and attach wood deck and add 20 x 26 garage in rear

Dimensional Variance petitioned under Article III, § 340-9 Table of Dimensional Regulations and under Article V § 340-25 Authorized departures from yard regulations (C)
Accessory structures

	DIMENSION	MINIMUM REQUIRED	PROPOSED	RELIEF REQUESTED
SETBACKS:	— FRONTAGE	120'	90'	30'
	— WIDTH	120'	90'	30'
	— REAR YARD	50'	43'	7'
	— RIGHT SIDE YARD	25'	7'	18'

Mr. Al Russo, attorney for the applicant, sworn in and explains to the board that Mr. Cadieux would like to build a 20 x 26 detached garage on is property. The application states that the garage is only going to be 15 feet in height, but he just realized that the height is actually going to be 17 feet.

Mr. Pilozzi made a motion to amend the application, Mr. Lopardo seconded the motion. A voice vote was taken; all in favor

The other relief the applicant is requesting is to build a 20 x 16 deck off the second floor on his three family home. Mr. Cadieux, applicant, was sworn in and he explained to the board that the reason why he wants to build this garage is because his house does not have a basement and he needs the extra room for storage. Mr. Cadieux will not be storing any heavy equipment in this garage what so ever.

No one for or against

Mr. Fascia made a motion to approve, Mr. Cardillo seconded the motion. A voice vote was taken; all in favor

Mr. Pilozzi made a motion to adjourn. Mr. Frezza seconded the motion. A voice vote was taken; all in favor.

Adjourn 10:45